

## HOUSE BILL NO. 622

INTRODUCED BY E. BUTCHER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN EXEMPTION TO PUBLIC WATER SUPPLY SYSTEM REQUIREMENTS FOR CERTAIN ASSOCIATIONS; DEFINING THE TERM "ASSOCIATION"; AND AMENDING SECTIONS 75-6-107, 75-6-112, AND 75-6-126, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 75-6-107, MCA, is amended to read:

**"75-6-107. Variances and exemptions.** (1) The Except as provided in subsection (2), the department may grant a variance or exemption from the requirements of this part or the rules adopted under this part pursuant to the terms and conditions of the variance and exemption rules adopted by the board. A variance or exemption granted pursuant to this section shall subsection must be accompanied by a compliance plan specifying a time schedule for compliance. A person aggrieved by a decision of the department to grant, deny, revoke, or modify a variance or exemption may appeal the department's decision to the board as provided in the Montana Administrative Procedure Act.

(2) Any private group of individuals may set up an association to establish a water system that is exempt from all government regulation to supply the individuals with water as long as the association does not adversely affect any other person and meets the following criteria:

(a) except as provided in subsections (2)(d) and (2)(e), the water may be used only by the members of the association that established the water system;

(b) all users shall sign an affidavit of acceptance of the water quality at each service connection facility;

(c) each individual member of the association shall post a notice in a prominent place to warn the general public that the water may not meet public health standards for drinking;

(d) any public facility served by the association shall provide bottled water, at no cost, for drinking by the general public; and

(e) any individual wishing to join the association shall sign an affidavit of acceptance provided by the association that outlines all contaminants listed by governmental regulatory entities stating that the water may not be acceptable for human consumption.

(3) As used in this section, "association" means a private group of individuals that has organized for the purpose of providing themselves with a drinking water supply.

(4) Subsection (2) does not exempt the association from meeting the requirements of Title 85, chapter 2."

**Section 2.** Section 75-6-112, MCA, is amended to read:

**"75-6-112. Prohibited acts.** A Except as provided in 75-6-107, a person may not:

(1) discharge sewage, drainage, industrial waste, or other wastes that will cause pollution of state waters used by a person for domestic use or as a source for a public water supply system or water or ice company;

(2) discharge sewage, drainage, industrial waste, or other waste into state waters or on the banks of state waters or into an abandoned or operating water well unless the sewage, drainage, industrial waste, or other waste is treated as prescribed by the board;

(3) commence or continue construction, alteration, extension, or operation of a system of water supply or water distribution that is designed to be a public water supply system or a system of sewer, drainage, waste, or sewage disposal that is designed to be a public sewage system or industrial waste discharge system before the person submits to the department necessary maps, plans, and specifications for its review and the department approves those maps, plans, and specifications. However, any facility reviewed by the department under Title 75, chapter 5, is not subject to the provisions of this section.

(4) operate or maintain a public water supply system that exceeds a maximum contaminant level established by the board unless the person has been granted or has an application pending for a variance or exemption pursuant to this part;

(5) violate any provision of this part or a rule adopted under this part; or

(6) violate any condition or requirement of an approval issued pursuant to this part."

**Section 3.** Section 75-6-126, MCA, is amended to read:

**"75-6-126. Ownership of public water supply system or public sewage system -- change in status -- exemption.** (1) A Except as provided in 75-6-107, a person may not own a public water supply system or a public sewage system unless that person is:

(a) an individual;

1 (b) a limited partnership;

2 (c) a limited liability company;

3 (d) a corporation, whether organized for profit or not;

4 (e) a city, town, local government entity, or other political subdivision of the state; or

5 (f) a federal agency.

6 (2) The owner of a public water supply system or a public sewage system shall, within 90 days after  
7 being requested to do so by the department or within 90 days after a transfer in ownership:

8 (a) submit information on a form provided by the department that details the ownership status of the  
9 public water supply system or public sewage system; and

10 (b) provide other necessary information for the department's records."

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